

**PUBLIC CHAPTER NO. 851**

**SENATE BILL NO. 1312**

**By Stanley, Burks, Marrero**

**Substituted for: House Bill No. 816**

**By Lollar**

AN ACT to amend Tennessee Code Annotated, Section 39-14-118, relative to illegal possession of a credit or debit card.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-14-118, is amended by deleting the section in its entirety and by substituting instead the following:

(a) A person commits the crime of illegal possession of a credit or debit card, who knowing the person does not have the consent of the owner or issuer, takes, exercises control over or otherwise uses such card or information from such card.

(b) A person commits the crime of fraudulent use of a credit or debit card who uses, or allows to be used, a credit or debit card or information from such card, for the purpose of obtaining property, credit, services or anything else of value with knowledge that:

(1) The card is forged or stolen;

(2) The card has been revoked or cancelled;

(3) The card has expired and the person uses the card with fraudulent intent; or

(4) For any other reason the use of the card is unauthorized by either the issuer or the person to whom the credit or debit card is issued.

(c)(1) Fraudulent use of a credit or debit card is punishable as theft pursuant to § 39-14-105 depending on the amount of property, credit, goods or services obtained.

(2) If no property, credit, goods, or services are actually received or obtained, illegal possession or fraudulent use of a credit card is a Class A misdemeanor.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

**PASSED: April 21, 2008**



RON RAMSEY  
SPEAKER OF THE SENATE



JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

**APPROVED this 1st day of May 2008**



PHIL BREDESEN, GOVERNOR